

REMARKS

Claims 11 through 29 are pending in this application. Claims 1-10 have been cancelled without prejudice or disclaimer.

The Office Action objects to the drawings asserting that the integral receiver has not been shown. Claims 1 through 10 have been cancelled which obviates this objection.

The Office Action rejects claims 5 and 7-10 asserting that there is a failure of the written description requirement. This rejection is moot as to claims 5 and 7-10, which have been cancelled. Claims 11 through 29 include features that are described within the specification. In particular, the specification at paragraph 27 describes information transmission means that may include electrical wiring and paragraph 28 further describes that the means can be electrical, ultrasonic, photonic or magnetic. The particular information can include positioning as described at paragraph 28 of the specification.

The Office Action rejects claims 3, 7 and 10 asserting that they are indefinite. This rejection is moot as to claims 3, 7 and 10, which have been cancelled. Claims 11 through 29 particularly point out and distinctly claim the subject matter of the invention.

The Office Action rejects claims 1 through 5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,720,749 to Rupp (hereinafter "Rupp"). The Office Action asserts that Rupp shows a guide rod 30 having an enlarged head 20 with a cavity therethrough. This rejection is moot as to claims 1 through 5, which have been cancelled. Applicant

respectfully submits that Rupp fails to disclose or suggest the features of claims 11 through 29.

Rupp shows a reamer 20 that is connectable with a flexible shaft 30. The flexible shaft 30 is connected with the reamer 20 by latch fingers 38 and 39 which are shown in an unconnected position in FIG. 3 and a connected position in FIG. 6. Rupp discloses an axial bore 32 in both the reamer 20 and the flexible shaft 30 that can engage with a contemporary "guide wire":

It can be seen that the axial bore 32 through the flexible shaft 30 continues through the male connector 35, and the axial bore 24 through the coupling shank 23 is continuous with the axial bore 21a through the cutting head body 21. Thus, when the cutting head 20 is mounted on the flexible shaft 30, as is illustrated in FIG. 1, there is a continuous axial bore through the entire assembly, in standard fashion, for accommodating a guide wire 40. In use, as the reamer 11 is passed through a medullary canal it is slid along the guide wire 40, which has been preinserted in the canal, the guide wire 40 having an enlarged knob 41 at its distal end sized so as not to pass through the axial bore in the reamer 11, for purposes of retrieving the reamer, all in a known manner. (Rupp col. 5, lines 47-59).

The flexible shaft 30 of Rupp is not a guide wire as in claims 11 through 29. The Rupp shaft 30 is not a guide rod having a channel along a length of the guide rod and a cutter removably connectable to the guide rod and to the drive shaft, with the cutter being movable along the length of the guide rod and rotatable with respect to the guide rod when removably connected to the guide rod, wherein the guide rod guides the cutter in the

bone canal as in claim 11; nor is the Rupp shaft 30 a guide rod comprising a body having a channel along a length of the body and an enlarged end having at least one hole therethrough in communication with the channel, wherein the cutter is removably connectable to the body of the guide rod and is movable along a length of the guide rod and rotatable with respect to the guide rod when removably connected thereto, and wherein the guide rod guides the cutter in the bone canal as in claim 19. Also, the Rupp shaft 30 does not transmit fluid through at least one hole in an enlarged end and along a channel in the guide rod as in claim 24; nor does the Rupp shaft 30 transmit information along information transmission wiring in a channel from an information generator in an enlarged end of the guide rod as in claim 26.

Claims 12-18, 20-23, 25 and 27-29 depend from claims 11, 19, 24 and 26, respectively and thus are also not anticipated by Rupp.

The Office Action rejects claims 1 through 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,509,919 to Young (hereinafter "Young"). The Office Action asserts that Young shows a hollow guide rod 101 having an enlarged end with a plurality of channels 401 therethrough. This rejection is moot as to claims 1 through 6, which have been cancelled. Applicant respectfully submits that Young fails to disclose or suggest the features of claims 11 through 29.

As pointed out by the Office Action, Young shows a bladder inflation device. The guide rod of Young is used for positioning of the finger members 104 so as to be able to hold bone fragments in place. This type of guide rod is not usable to guide a reamer and requires that the reaming has already been

done. Clearly Young fails to disclose or suggest the features of claims 11 through 29 such as a guide rod having a channel along a length of the guide rod and a cutter removably connectable to the guide rod and to the drive shaft, with the cutter being movable along the length of the guide rod and rotatable with respect to the guide rod when removably connected to the guide rod, wherein the guide rod guides the cutter in the bone canal as in claim 11; a guide rod comprising a body having a channel along a length of the body and an enlarged end having at least one hole therethrough in communication with the channel, wherein the cutter is removably connectable to the body of the guide rod and is movable along a length of the guide rod and rotatable with respect to the guide rod when removably connected thereto, and wherein the guide rod guides the cutter in the bone canal as in claim 19; a guide rod that transmits fluid through at least one hole in an enlarged end and along a channel in the guide rod as in claim 24; or a guide rod that transmits information along information transmission wiring in a channel from an information generator in an enlarged end of the guide rod as in claim 26.

Claims 12-18, 20-23, 25 and 27-29 depend from claims 11, 19, 24 and 26, respectively and thus are also not anticipated by Young.

The Office Action rejects claims 1, 4, 5 and 7 through 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,411,503 to Hollstein (hereinafter "Hollstein"). The Office Action asserts that Hollstein shows a hollow guide rod 6 having a position feedback means contained within the device. This rejection is moot as to claims 1 through 6, which have been cancelled. Applicant respectfully submits that Hollstein fails

to disclose or suggest the features of claims 11 through 29.

Hollstein shows a device for placement of locking screws in intramedullary nails where the nails are in the bone canal. The Office Action asserts that the intramedullary nail 6 is a guide rod. Clearly, an intramedullary nail is not usable to guide a reamer and requires that the reaming has already been done. Hollstein fails to disclose or suggest the features of claims 11 through 29 such as a guide rod having a channel along a length of the guide rod and a cutter removably connectable to the guide rod and to the drive shaft, with the cutter being movable along the length of the guide rod and rotatable with respect to the guide rod when removably connected to the guide rod, wherein the guide rod guides the cutter in the bone canal as in claim 11; a guide rod comprising a body having a channel along a length of the body and an enlarged end having at least one hole therethrough in communication with the channel, wherein the cutter is removably connectable to the body of the guide rod and is movable along a length of the guide rod and rotatable with respect to the guide rod when removably connected thereto, and wherein the guide rod guides the cutter in the bone canal as in claim 19; a guide rod that transmits fluid through at least one hole in an enlarged end and along a channel in the guide rod as in claim 24; or a guide rod that transmits information along information transmission wiring in a channel from an information generator in an enlarged end of the guide rod as in claim 26.

Claims 12-18, 20-23, 25 and 27-29 depend from claims 11, 19, 24 and 26, respectively and thus are also not anticipated by Hollstein.

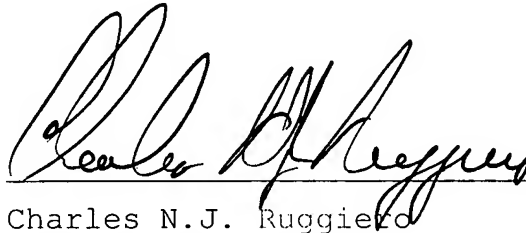
In view of the foregoing, applicant respectfully submits

that all claims present in this application patentably distinguish over the cited art. Additionally, applicant submits that if any clarification of the above remarks are requested, applicant, by and through his attorney, is available for a telephonic interview.

Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

Dated:

January 4, 2006



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